

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SightSound Technologies, Inc.,

Plaintiff,

v.

Roxio, Inc., and Napster, LLC,

Defendants;

Roxio, Inc., and Napster, LLC,

Counter-Plaintiffs,

v.

SightSound Technologies, Inc.

and

Scott Sander

Counter-Defendants.

Civil Action No. 04-1549

Chief Judge Donetta W. Ambrose

[PROPOSED] ORDER OF COURT

Having carefully considered Counter-Defendants' Motion for Relief From Stay With Respect to Defamation Counterclaims and the parties' arguments,

IT IS HEREBY ORDERED that effective on the date entered below and continuing until such time as this matter shall be resolved at trial or by further order of this Court, the stay of litigation previously entered by the Court on February 28, 2005 is lifted with respect to the following counterclaims filed by Defendants and Counter-Plaintiffs: Fourth Counterclaim –

Trade Libel under the Lanham Act, 15 U.S.C. § 1125(a); Fifth Counterclaim – Defamation;
Sixth Counterclaim – Commercial Disparagement; Seventh Counterclaim – Breach of Contract;
Eighth Counterclaim – Intentional Interference with Prospective Contractual Relations; and
Ninth Counterclaim – Unfair Competition.

Dated: _____

United States District Judge

8/31/05

Denied

Janetta M. Ambrose